

Item #: _____
Moved by: _____
Seconded by: _____

Prepared By: Qur'an Folsom
Reviewed By: Marcy Ingram

ORDINANCE NO. _____

AN ORDINANCE SETTING FORTH THE GUIDELINES FOR ANY INTERIM APPOINTMENT TO THE FOLLOWING DIVISION DIRECTORS' POSITIONS INCLUDING THE: ADMINISTRATOR OF FINANCE; CHIEF ADMINISTRATIVE OFFICER; DIRECTOR OF COMMUNITY SERVICES; DIRECTOR OF CORRECTIONS; COUNTY ATTORNEY; DIVORCE REFEREE; DIRECTOR OF PLANNING AND DEVELOPMENT; DIRECTOR OF PUBLIC DEFENDER SERVICES; DIRECTOR OF PUBLIC WORKS AND ANY OTHER DIVISION DIRECTOR WHOSE EMPLOYMENT WITH THE COUNTY IS CONTINGENT UPON THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS. SPONSORED BY COMMISSIONER TERRY ROLAND, COMMISSIONER VAN TURNER AND COMMISSIONER EDDIE JONES.

WHEREAS, The Charter for Shelby County, Tennessee ("Charter") states that the "chief administrative officer, the division directors of the county, the county attorney, the public defender, and the divorce referee shall be appointed by the county mayor; subject to approval by resolution of the board of county commissioners...[.]" Charter, Art. III, Section 3.06(B); and

WHEREAS, The Charter and state law provides for the methodology to fill the vacancy of an elected office with an interim appointment but neither authority provides for an interim appointment for the position of the: administrator of finance; chief administrative officer; director of community services; director of corrections; county attorney; divorce referee; director of planning and development; director of public defender services; director of public works (hereafter referred to collectively as "division directors"); and

WHEREAS, The Charter states that the "duties, powers and functions of the ...divisions of [the] County shall be generally set by ordinance," (Art. III, Sec. 3.06 D)) but does not address or provide any other guidance on the interim appointment of division directors; and

WHEREAS, Since no Charter, statutory, or other legal authority speaks directly to the interim appointment of Shelby County's division directors, the Board of County Commissioners ("County Commission") hereby desires to provide guidelines for these interim appointments in keeping with the Charter's vision that both the County's mayor and commission participate in the hiring decision for such key positions in County government; and

WHEREAS, The County Commission hereby deems 90 days as a reasonable time period for an interim to serve in such capacity before a nominee is to be presented to the County Commission for final confirmation per Charter, Art. III, Sec. 3.06 (B); and

WHEREAS, The County Commission believes that 90 days is a reasonable and sufficient time period for the Administration to interview candidates for the position of division director in order to make a determination as to which nominee should be presented to the County Commission for confirmation; and

WHEREAS, The County Commission believes that no interim appointment to the position of division director should serve more than one 90-day term in any given fiscal year so as to not unduly delay, frustrate or unfairly deprive the County Commission of its affirmative duty to vote on the selection of division directors.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That any interim appointee to the position of division director may serve in such capacity for a maximum period of 90 days from the date of the interim appointment.

BE IT FURTHER ORDAINED, That no person shall serve as interim division director for more than one 90-day time period in any one (1) fiscal year.

BE IT FURTHER ORDAINED, That immediately upon the expiration of the interim division director's appointment (which can be a time served from one (1) to 90 days), a nominee to fill the vacancy for the aforementioned position shall be presented to the County Commission for consideration of confirmation to fill the vacancy.

BE IT FURTHER ORDAINED, This ordinance requires a simple majority vote by County Commission; and

BE IT FURTHER ORDAINED, That this ordinance shall take effect 15 days from and after the date of its final passage, the public welfare requiring the same.

County Mayor

Date: _____

ATTEST:

Clerk of County Commission

FIRST READING: _____

SECOND READING: _____

ADOPTED

THIRD READING: _____

SUMMARY SHEET

I. DESCRIPTION OF ITEM

Enactment of this ordinance will establish guidelines to be followed when an interim appointment is made to the following division directors' positions including the: administrator of finance; chief administrative officer; director of community services; director of corrections; county attorney; divorce referee; director of planning and development; director of public defender services; director of public works and any other division director whose employment with Shelby County Government is contingent upon the approval of the board of county commissioners.

II. SOURCE AND AMOUNT OF FUNDING

This ordinance requires no County funding.

III. CONTRACT ITEMS

Not applicable.

IV. ADDITIONAL INFORMATION RELEVANT TO APPROVAL OF THIS ITEM

None.